

IN THE MATTER OF The Real Estate Act, S.A. 1996, c.R-4.5 (the Act)

AND IN THE MATTER OF 416212 ALBERTA LTD. - RE/MAX REAL ESTATE -  
LETHBRIDGE

## INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta (the Executive Director) conducted an investigation during August through October, 1996 into whether 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge's conduct is deserving of sanction and/or whether it otherwise breached the requirements of the Act or the Rules prescribed pursuant to the Act.
2. The Executive Director and 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge have agreed to resolve the allegations against 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge on the terms and conditions set out below.

## AGREED STATEMENT OF FACTS

3. K.K. is the designated representative for 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge.
4. As at the date of the investigation, 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge had three branch offices. Of these, the Pincher Creek branch office operated for part of the 1995 - 96 licensing year without branch office licensing authority.
5. In July and October, 1996 respectively, contrary to rule 25, the Pincher Creek and Taber branch offices did not use the name appearing on the agent's license in it's advertisements.

## SETTLEMENT TERMS

6. In settlement of these issues, 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge agrees to:
  - 1) a sanction in the amount of \$250.00 (the applicable licensing fee) for the licensing contravention of the Pincher Creek office in the licensing year 1995-1996; and
  - 2) a written reprimand in regard to the use of name contravention.
7. Costs of the investigation and terms of settlement are waived.

8. 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge acknowledges that it has been given an opportunity to seek the advice of legal counsel and acknowledges that it is agreeing to the terms of settlement of its own free will.

9. 416212 Alberta Ltd. - Re/Max Real Estate Lethbridge hereby waives any rights it may have under the Act or otherwise to a hearing, review, judicial review or appeal of the matter referred to herein.

10. These settlement terms are intended to resolve all matters described herein and subject to the approval of the Hearing Panel, the Executive Director will take no further steps including the initiation of any proceedings before the Real Estate Council of Alberta or the courts in this regard.

**IN WITNESS WHEREOF** the undersigned agree and accept the terms and conditions of this settlement this 18 day of MARCH, 1997.

Signed and Delivered  
in the presence of:

"A.K."

A.K.

(witness)

"K.K."

416212 Alberta Ltd. - Re/Max Real  
Real Estate Lethbridge  
K.K.

Designated Representative

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

April 10/97  
Date

"Bob Myroniuk"

Bob Myroniuk  
Executive Director

Recommendation Approved ✓  
Recommendation Denied \_\_\_\_\_

Dated at Edmonton, Alberta,  
this 11 day of April, 1996

"Barry Gogal"

Hearing Panel Chairperson  
Real Estate Council of Alberta

## AFFIDAVIT OF EXECUTION

CANADA )  
PROVINCE OF ALBERTA )  
TO WIT: )

I, A.K., of the City  
of Lethbridge, in the Province of  
Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did see Kathy Kent named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. THAT the same was executed at the City of Lethbridge, in the Province of Alberta, and that I am the subscribing witness thereto.
3. THAT I know the said Kathy Kent and she is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the )  
City of Lethbridge in the Province )  
of Alberta, this 18 day of )  
March, 1997. )

K.T. )

A COMMISSIONER FOR OATHS  
IN AND FOR THE PROVINCE  
OF ALBERTA

"A.K."

A.K.

(Witness)